

430 Re PCT/PTO 23 AUG 1999

FORM-PTO-1390  
(Rev. 10-96)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

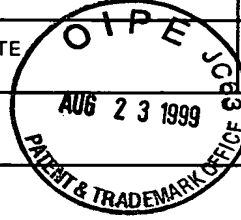
ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

09/319222  
003300-570

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/319,222

INTERNATIONAL APPLICATION NO.  
PCT/SE97/01846INTERNATIONAL FILING DATE  
5 November 1997PRIORITY DATE CLAIMED  
9 December 1996TITLE OF INVENTION  
VIEWING INSTRUMENTAPPLICANT(S) FOR DO/EO/US  
Björn Heed and Stefan Witte

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. (SUPPLEMENTAL)
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

Verified Statement Claiming Small Entity Status [37 C.F.R. §§1.9(f) and 1.27(b)] - Independent Inventor

08/26/1999 PVDLPE 00000004 09319222

01 FC:254

65.00 0P

(10/97)

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.53)  
09/319,222

INTERNATIONAL APPLICATION NO.  
PCT/SE97/01846

ATTORNEY'S DOCKET NUMBER  
003300-570

17. ☒ The following fees are submitted:

CALCULATIONS

PTO USE ONLY

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO ..... \$840.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$670.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)  
but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$760.00

Neither international preliminary examination fee (37 CFR 1.482) nor  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

Claims	Number Filed	Number Extra	Rate
Total Claims	-20 =	0	X\$18.00
Independent Claims	-3 =	0	X\$78.00
Multiple dependent claim(s) (if applicable)			+ \$260.00

\$ 0.00

\$ 0.00

\$ 0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$ 130.00

Reduction for 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).

\$ 65.00

**SUBTOTAL =**

\$ 65.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0.00

**TOTAL NATIONAL FEE =**

\$ 65.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ 0.00

**TOTAL FEES ENCLOSED =**

\$ 65.00

Amount to be:  
refunded \$

charged \$

a. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed.


b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Benton S. Duffett, Jr.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

  
SIGNATURE

Benton S. Duffett, Jr.  
NAME

22,030  
REGISTRATION NUMBER

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Björn Heed and Stefan Witte ) **BOX PCT**  
Application No. 09/319,222 )  
Filed: June 3, 1999 ) Attn: DO/EO/US  
For: VIEWING INSTRUMENT ) Group Art Unit: Unassigned  
Examiner: Unassigned

**TRANSMITTAL OF VERIFIED STATEMENT CLAIMING  
SMALL ENTITY STATUS - INDEPENDENT INVENTORS  
AND  
REQUEST FOR REFUND**

Assistant Commissioner for Patents  
Washington, D.C. 20231

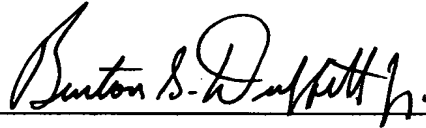
Sir:

Transmitted herewith is a Verified Statement (Declaration) Claiming Small Entity Status, duly executed by the inventors of the above-identified patent application.

It is respectfully requested that one-half of the original filing fee, filed on June 3, 1999, in the amount of \$485.00, be refunded to Applicant and deposited in Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Benton S. Duffett, Jr.  
Registration No. 22,030

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: August 23, 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT ATTORNEY GENERAL FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. <b>09/319,222</b> <b>09/319222</b>	FIRST NAMED APPLICANT <b>HEED</b>	ATTY. DOCKET NO. <b>B 003300-570</b>
5611		INTERNATIONAL APPLICATION NO. <b>PCT/SE97/01846</b>
BENTON S DUFFETT JR BURNS DOANE SWECKER & MATHIS PO BOX 1404 ALEXANDRIA VA 22313-1404		I.A. FILING DATE <b>11/05/97</b> PRIORITY DATE <b>12/09/96</b>

DATE MAILED: **07/21/99**

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 03 June 99 and \_\_\_\_\_

☒ Information Disclosure Statement(s) filed 03 June 99 and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917.

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3619

**DECLARATION DUE**  
**8/21/99**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/319,222 09/319222	HEED	B 003300-570
5611		
INTERNATIONAL APPLICATION NO.		
PCT/SE97/01846		
I.A. FILING DATE		PRIORITY DATE
11/05/97		12/09/96
DATE MAILED:		07/21/99

BENTON S DUFFETT JR  
BURNS DOANE SWECKER & MATHIS  
PO BOX 1404  
ALEXANDRIA VA 22313-1404

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

*Robert A. Norton*  
Telephone: (703) 305-3619